

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DEREK WHITNEY

PLAINTIFF

v.

No.2:05CV110-P-D

OTIS TAYLOR, et al

DEFENDANTS

JUDGMENT

On consideration of the file and records in this action, pursuant to 28 U.S.C. §636(b)(1)(B), an evidentiary hearing having been conducted on October 6, 2005, by the Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and *Spears v. McCotter*, 766 F.2d 179 (5 Cir. 1985), the Court finds that the Report and Recommendation of the United States Magistrate Judge dated October 12, 2005, was on that date duly served by first class mail upon plaintiff; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by said party. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated October 12, 2005 be, and it is hereby, **APPROVED AND ADOPTED**, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That Defendants James Cooke and Corrections Corporation of America be and hereby are **DISMISSED with prejudice**.

THIS, the 15th day of November, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE